

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

JAMES HAYDEN,

Plaintiff,

v.

2K GAMES, INC. and TAKE-TWO  
INTERACTIVE SOFTWARE, INC.,

Defendants.

CASE NO. 1:17-cv-02635-CAB

**DEFENDANTS 2K GAMES, INC. AND TAKE-TWO INTERACTIVE  
SOFTWARE, INC.'S MOTION TO DISMISS IN PART  
PLAINTIFF'S SECOND AMENDED COMPLAINT**

In accordance with Federal Rules of Civil Procedure 12(b)(1) and (6), Defendants 2K Games, Inc. and Take-Two Interactive Software, Inc. (collectively, "Take-Two") move to dismiss Plaintiff James Hayden's ("Plaintiff") unjust enrichment (Count III) and declaratory judgment (Count IV) claims in his Second Amended Complaint with prejudice, as well as dismiss Plaintiff's request for statutory damages or attorney's fees on his copyright claims.

The reasons for granting this motion are more fully explained in the attached memorandum in support, which is incorporated here by reference.

Dated: New York, New York  
June 18, 2018

/s/Dale M. Cendali

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Take-Two Interactive Software, Inc.*

**CERTIFICATE OF SERVICE**

I hereby certify that on June 18, 2018, a copy of the foregoing was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt, and parties may access this filing through the Court's system.

*/s/ Dale M. Cendali*

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*Attorney for Defendants 2K Games, Inc. and  
Take-Two Interactive Software, Inc.*